

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

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Applicant's or agent's file reference
XA1939

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/04520

International filing date (day/month/year)
20.10.2003

Priority date (day/month/year)
18.10.2002

Applicant
MCFARLANE, Robert

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference XA1939	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04520	International filing date (day/month/year) 20.10.2003	Priority date (day/month/year) 18.10.2002
International Patent Classification (IPC) or both national classification and IPC A62B7/14		
Applicant MCFARLANE, Robert		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 17.04.2004	Date of completion of this report 06.12.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Schut, T Telephone No. +49 89 2399-8970	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/04520

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-20 as originally filed

Claims, Numbers

1-37 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,4-6,8-30,32,33,35-37
	No: Claims	1-3,7,31,34
Inventive step (IS)	Yes: Claims	15-21,23-25,29
	No: Claims	4-6,8-14,22,26-28,30-33,35-37
Industrial applicability (IA)	Yes: Claims	1-37
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/04520

Re Item V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

GB-A-1 462 361 (copy enclosed) discloses an integrated respirator that provides an airtight barrier for a user's head comprising a first rigid helmet (17) and a flexible cowl (11) having an airtight neck seal (p. 1, l. 50-54), wherein the first rigid helmet defines an access aperture suitable for locating directly on a user's head and the flexible cowl (11) is sealably (p. 2, l. 55, 56) fixed (p. 1, l. 28-40) to the first rigid helmet (17) so providing a physical barrier for the access aperture while forming an airtight seal with a user's neck.

Consequently, the subject-matter of claim 1 is not novel.

The features of claims 2, 3 and 7 (cowl-piece 32) also have been disclosed in this document.

The features of claim 1 apart from the airtight neck seal have been disclosed in EP-A-1 210 882 (copy enclosed), see [0014], [0018]-[0022]. The provision of an airtight neck seal is an obvious step in respect of documents GB-A-1 462 361 or WO-A-93/14818 (fig. 2, (52)).

The features of claims 2 (col. 5, l. 58-col. 6, l. 2), 4 and 5 (col. 6, l. 2,3), 6, 8 and 10 (fig. 2a), 9 (fig. 1), 11, (fig. 2a, [0020]), 20 ([0013], (25a)), 22 (col. 5, l. 31-33) and 26 (74) have also been disclosed in EP-A-1 210 882. The features of claim 14 are likely to apply to the respiration system (76) disclosed in this document.

WO-A-93/14818 discloses the features of claims 12 (figs. 1-3), 14 (fig. 3), 27 and 28 (p. 7, l. 22-34).

The features of the method claim 31 are known from EP-A-1 210 882, see [0019-0021]. Consequently, the subject-matter of claim 31 is not novel.

The features of claims 32 ([0013], "location points" are likely to have been provided to ensure consistent assembling) and 34 ([0020], (70d)) are known from EP-A-1 210 882.

The features of claims 33 and 35 appear to involve generally known production methods.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/04520

Since the composition of the coatings or material mentioned in claims 13, 30, 36 and 37 has not been disclosed in the application, it is obvious that these are generally known and will be used by the skilled person if their characteristics are needed to improve the protection and/or comfort provided by the respirator.

The features of the remaining claims (15-21,23-25,29) do not appear to be obvious in respect of the cited documents.

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